

DEPARTMENT OF EMPLOYMENT AND LABOUR

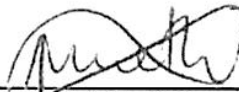
NO. R. 5594

29 November 2024

LABOUR RELATIONS ACT, 1995

**BARGAINING COUNCIL FOR THE FISHING INDUSTRY:
EXTENSION TO NON-PARTIES OF THE AMENDING COLLECTIVE AGREEMENT**

I, **NOMAKHOSAZANA METH**, Minister of Employment and Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the **Bargaining Council for the Fishing Industry**, and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry with effect from the second Monday after the date of publication of this notice and for a period ending 31 December 2026.



MS N METH, MP

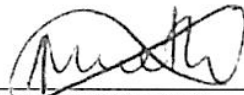
MINISTER OF EMPLOYMENT AND LABOUR

DATE: 18 November 2024

UMNYANGO WEZEMISEBENZI NEZABASEBENZI**UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995**

UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI EMBONINI YOKUDOBA: UKWELULWA KWESIVUMELWANO SABAQASHI NABASEBENZI ESICHIBIYELAYO SELULELWA KULABO ABANGEYONA INGXENYE YASO

Mina, **NOMAKHOSAZANA METH**, onguNgqongqoshe WezemiSebenzi Nezabasebenzi, lapha ngokwesigaba 32(2) soMthetho Wobudlelwano Kwezabasebenzi ka 1995, ngazisa ukuthi isiVumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa **eMkhandlwini Wokuxoxisana Phakathi Kwabaqashi Nabasebenzi Bemboni Yokudoba**, futhi ngokwesigaba 31 soMthetho Wezobudlelwano Kwezabasebenzi ka 1995, esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kuleyo Mboni kusukela ngoMsombuluko wesibili emva kokushicilelwa kwalesiSaziso kuze kube mhlaka 31 kuZibandlela 2026.



MS N METH, MP

UNGQONGQOSHE WEZEMISEBENZI NEZABASEBENZI

USUKU: 18 November 2024

1. SCHEDULE

BARGAINING COUNCIL FOR THE FISHING INDUSTRY (BCFI)

AMENDMENT OF THE MAIN COLLECTIVE AGREEMENT SECTION 1: GENERAL

PART A: INTRODUCTION

1. CLAUSE 1: PARTIES TO THE AGREEMENT

In accordance with the provisions of the Labour Relations Act, 1995, this Agreement is made and entered into between the

South African Fishing Industry Employers Organisation (SAFIEO)

(Hereinafter referred to as "the employers" or "the employers' organisation") of the one part

And the

Food and Allied Workers Union (FAWU)

Hereinafter referred to as "the employees" or "the trade unions"), of the other part, being parties to the Bargaining Council for the Fishing Industry (hereinafter referred to as the "Council")

To amend the Collective Agreement published under Government Notice R.3970 of 20 October 2023.

2. CLAUSE 2: PURPOSE OF THE AGREEMENT

This agreement aims to advance economic development and social justice by fulfilling the primary objects by giving effect to and regulate the right to fair labour practices conferred by section 23 of the Constitution of South Africa 1996, by establishing and enforcing basic conditions of employment in the scope of the Council for employees employed on the vessels at sea, excluded from the Basis Conditions of Employment Act.

PART B: APPLICATION

3. CLAUSE 3: SCOPE OF APPLICATION

3.1. This agreement applies to all Employers and/or Employees within the Republic of South Africa, who are members of any of the parties to this agreement and who are employed in the: -

3.1.1. Hake Deep-sea Bottom Trawl Sector

3.1.2. Hake Inshore Bottom Trawl Sector

3.2 On extension of this agreement to non-parties by the Minister, any employer may apply to the Bargaining Council's Executive Committee for exemption from the terms of this collective agreement in terms of clause 37 of the Council's Main Agreement.

4. CLAUSE 4: PERIOD OF OPERATION

The terms and conditions set out herein shall come into operation:

- 4.1. In respect of the parties as agreed and shall remain in force until cancelled by the parties to this Agreement; and
- 4.2. In respect of non-parties to the Agreement as from the date determined by the Minister until 31 December 2026.

SECTION II: CORE RIGHTS**PART D: REMUNERATION****9. MINIMUM REMUNERATION**

- 9.1. It is agreed by the parties that actual remuneration rates be increased by the percentage indicated in the respective chamber agreements as well as the minimum remuneration rates, as reflected in the new minimum rates scheduled attached:
 - 9.1.1. Annexure "A" - Hake Deep-sea Bottom Trawl Sector
 - 9.1.2. Annexure "B" - Hake Inshore Bottom Trawl Sector
- 9.2. No employee shall be paid less than the minimum remuneration prescribed in the respective chamber agreements attached for any employee's relevant rank after incorporation of the increase referred to in subclause 9.1 above.
- 9.3. Subject to subclause 9.2 above, some ranks are excluded from having a prescribed minimum remuneration and marked "Unprescribed", as the rate of remuneration for such rank normally exceeds an annual income level of two hundred twenty-four thousand and eighty rand and forty-eight cents (R 224,080.48).
- 9.4. The prescribed minimum remuneration schedule per chamber setting out the minimum rates of pay per Working Day for each rank that shall be effective from the date that this agreement comes into force.
- 9.5. Should the employer require an employee to work for five (5) days or more in a rank which has a higher remuneration as prescribed for the rank that the employee holds, the employer shall pay that employee at the higher remuneration for the full period the employee worked in the higher rank: Provided such change in rank is authorized by the Skipper and logged as such.
- 9.6. A temporary employee shall be paid at the rate for the rank the employee holds contained in the remuneration schedule for the specific sector in which the employee is employed.

ANNEXURE A: DEEP-SEA BOTTOM TRAWL SECTOR CHAMBER

A1. MINIMUM DEEP-SEA REMUNERATION

- Actual Remuneration rates shall be increased by 7% on the Basic Daily Rates and all other components (except for the commission component) as from 01 July 2024 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. Commission rates shall be increased by 6% as from 01 July 2024 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. (Year One)
- The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be increased to 7% from the date as determined by the Minister in terms of clause 4.2. for non-parties. (Year One)

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)
Able Seaman	R371.83	R 1-95	8.1. Able Seaman
Assistant Factory Manager	R402.37	R 1-95	8.13 Factory Manager - Assisting
Assistant Marine Engineer	R380.14	R 1-95	8.28 Marine Engineer-Assisting
Bosun	R405.56	R 1-95	8.2 Bosun
Charge Hand	R348.91	R 1-95	8.3 Charge Hand
Cook	R477.14	R 1-95	8.4 Cook
Cook-First	R553.01	R 1-95	8.5 Cook-First
Cook - Second	R405.56	R 1-95	8.6 Cook - Second
Deck Hand	R348.91	R 1-95	8.9 Deck Hand
Factory Manager	R519.36	R 1-95	8.12 Factory Manager
Fishmeal Operator	R438.68	R 1-95	8.18 Fishmeal Operator
Galley Hand	R321.36	R 1-95	8.23 Galley Hand
Greaser	R392.93	R 1-95	8.19 Greaser
Greaser- M3	R413.72	R 1-95	8.20 Greaser- M3
Greaser- M4	R402.84	R 1-95	8.21 Greaser- M4
Lifeboat man (PISC)	R348.91	R-1-95	8.25 Lifeboat man (PISC)
Spare Hand	R321.36	R 1-95	8.35 Spare Hand

A.2. MINIMUM DEEP-SEA REST PERIODS

The Employer shall provide an Employee with at least ten (10) hours of rest per Day of which at least six (6) hours of the ten (10) hours shall be continuous uninterrupted rest when the Employee is employed in the Deep-sea Bottom Trawl Sector.

ANNEXURE A: DEEP-SEA BOTTOM TRAWL SECTOR CHAMBER

A1. MINIMUM DEEP-SEA REMUNERATION

1. Actual Remuneration rates shall be increased by 7% on the Basic Daily Rates and all other components (except for the commission component) as from 01 July 2025 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. Commission rates shall be increased by 6% as from 01 July 2025 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. (Year Two)
2. The following minimum Remuneration schedule sets out the increased minimum rates per Working Day for each rank which shall be increased by 7% from the date as determined by the Minister in terms of clause 4.2. for non-parties. (Year Two)

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)
Able Seaman	R397.85	R 1-95	8.1. Able Seaman
Assistant Factory Manager	R430.53	R 1-95	8.13 Assistant Factory Manager
Assistant Marine Engineer	R406.74	R 1-95	8.28 Assistant Marine Engineer
Bosun	R433.94	R 1-95	8.2 Bosun
Charge Hand	R373.33	R 1-95	8.3 Charge Hand
Cook	R510.53	R 1-95	8.4 Cook
Cook- First	R591.72	R 1-95	8.5 Cook- First
Cook - Second	R433.94	R 1-95	8.6 Cook - Second
Deck Hand	R373.33	R 1-95	8.9 Deck Hand
Factory Manager	R555.71	R 1-95	8.12 Factory Manager
Fishmeal Operator	R469.38	R 1-95	8.18 Fishmeal Operator
Galley Hand	R343.85	R 1-95	8.23 Galley Hand
Greaser	R420.43	R 1-95	8.19 Greaser
Greaser- M3	R442.68	R 1-95	8.20 Greaser- M3
Greaser-M4	R431.03	R 1-95	8.21 Greaser-M4
Lifeboat man (PISC)	R373.33	R 1-95	8.25 Lifeboat man (PISC)
Spare Hand	R343.85	R 1-95	8.35 Spare Hand

A.2. MINIMUM DEEP-SEA REST PERIODS

The Employer shall provide an Employee with at least ten (10) hours of rest per Day of which at least six (6) hours of the ten (10) hours shall be continuous uninterrupted rest when the Employee is employed in the Deep-sea Bottom Trawl Sector.

ANNEXURE B: INSHORE HAKE TRAWL SECTOR CHAMBER

B.1. MINIMUM INSHORE REMUNERATION

- Actual Remuneration rates shall be increased by 7% on the Basic Daily Rates and other components (except for the commission component) as from 01 July 2024 for the parties to the Agreement from the date as determined by the Minister in terms of clause 4.2.for non-parties. Commission rates shall be increased by 6% except to those where an average rate is used, which should not be less than these percentages as from 01 July 2024 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2.for non-parties. (Year One)
- The following minimum Remuneration schedule sets out the increased minimum rates per Working Day for each rank which shall be increased by 7% from the date as determined by the Minister in terms of clause 4.2.for non-parties. (Year One)

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Able Seaman	R 299.05	R 1-95	8.1	
Assistant Marine Engineer	R 330.60	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 291.69	R 1-95	8.2	
Chief Engineer	R 505.64	R 1-95	8.27	
Cook	R 252.40	R 1-95	8.4	
Deck Hand	R 291.69	R 1-95	8.9	
Driver	R 291.69	R 1-95	8.10	
Spare Hand	R 233.60	R 1-95	8.35	

B.2. MINIMUM INSHORE REST PERIODS-

The employer shall provide an employee with at least ten (10) hours of rest per Day.

ANNEXURE B: INSHORE HAKE TRAWL SECTOR CHAMBER

B.1. MINIMUM INSHORE REMUNERATION

1. Actual Remuneration rates shall be increased by 7% on the Basic Daily Rates and other components (except for the commission component) as from 01 July 2025 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. Commission rates shall be increased by 6% except to those where an average rate is used, which should not be less than these percentages. as from 01 July 2025 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. (Year Two)
2. The following minimum Remuneration schedule sets out the increased minimum rates per Working Day for each rank which shall be increased by 7% from the date as determined by the Minister in terms of clause 4.2. for non-parties. (Year Two)

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Able Seaman	R 319.98	R 1-95	8.1	
Assistant Marine Engineer	R 353.74	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 312.10	R 1-95	8.2	
Chief Engineer	R 541.03	R 1-95	8.27	
Cook	R 270.06	R 1-95	8.4	
Deck Hand	R 312.10	R 1-95	8.9	
Driver	R 312.10	R 1-95	8.10	
Spare Hand	R 249.95	R 1-95	8.35	

B.2. MINIMUM INSHORE REST PERIODS-

The employer shall provide an employee with at least ten (10) hours of rest per Day.

SECTION IV: CONSENSUS

Through application of signature hereof the parties to the respective chambers of the Bargaining Council for the Fishing Industry (in alphabetical order), confirm their acceptance of the terms and conditions contained herein

46. DEEP-SEA HAKE TRAWL SECTOR AND INSHORE HAKE SHORE BOTTOM TRAWL CHAMBERS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS DAY OF <u>26/07/</u> 2024	
<u>Zolani MBANTWAT</u>	<u>[Signature]</u>
DULY AUTHORISED THERETO FOR AND ON BEHALF OF FAWU	SIGNATURE:
WITNESS: <u>[Signature]</u>	WITNESS: <u>[Signature]</u>

SIGNED AND AGREED TO IN CAPE TOWN ON THIS DAY OF <u>26/07/</u> 2024	
<u>Sizwe Nqekwa</u>	<u>[Signature]</u>
DULY AUTHORISED THERETO FOR AND ON BEHALF OF SAFIO	SIGNATURE:
WITNESS: <u>[Signature]</u>	WITNESS: <u>[Signature]</u>

DEEP-SEA HAKE TRAWL SECTOR AND INSHORE HAKE SHORE BOTTOM TRAWL CHAMBERS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS DAY OF <u>26/07/</u> 2024	
<u>[Signature]</u> - VICTORIA HANMER	<u>[Signature]</u>
DULY AUTHORISED THERETO FOR AND ON BEHALF OF THE BARGAINING COUNCIL	GENERAL SECRETARY
WITNESS: <u>[Signature]</u>	